

## MINUTES

### COUNCIL ON RECYCLING SEPTEMBER 27, 2004 ROOM 202 MUNICIPAL BUILDING 625 52<sup>ND</sup> ST KENOSHA, WISCONSIN

**Council Members Present:** Jeff Fielkow; Neil Peters-Michaud; John Reindl; Cecelia Stencil; William Swift; Charlotte Zieve.

**Council Members Absent:** John Piotrowski

**Also attending:** Shelly Billingsley, City of Kenosha; Ron Bursek, City of Kenosha; Tony Driessen, American Plastics Council (APC); Nancy Gloe, DNR; Penny Haney, City of Kenosha; Andy Niles, Scientific recycling; Bill Tarman-Ramcheck, City of Wauwatosa and Be Smart Coalition; Joe Van Rossum, UW-Ext, Solid and Hazardous Waste Education Center.

**Call To Order:** The meeting was called to order by Chair John Reindl at 9:00 AM

**Introduction and Announcements:** Reindl said that prices were good for most materials. He said that prices paid to MRF's around the state in August were: Newsprint:\$60-90/ton; magazines:\$85-90/ton; corrugated: \$120/ton; mixed paper: \$60-80/ton; steel \$40-170/ton; aluminum \$800-1300/ton; plastics: \$240-450/ton; and glass: clear.\$60-40; brown 1-35/ton, green \$15-(-9)/ton, mixed \$15- (-18)/ton.

DNR proposing changes to rules, NR 500 series. Issues: 1) Leachate lines go from 1200 feet to 2000 feet. That is based partly on new technology. 2) Financial responsibility (for landfills decades after closure) is still being discussed but is not in the rule package. 3) Organics management plan in place by 2007. Goal is to create landfills that result in no threat to environment (in 30-40 year time-frame) so they would no longer need leachate lines or liners because organics become benign. Organics include grass, leaves, food, paper, textiles, leather and other materials. That could have a major impact on recycling. There are three distinct schools of thought. 1) Keep organics out of landfills. 2) Accelerate decomposition by including food waste, grass etc. 3) Look at options such as incineration. There are many variations. This area is being discussed by a workgroup and Reindl suggested that the Council invite members of the group to a meeting

Reindl said the e-mail list that the Council uses does not reach as many people as he thought it did. He said there are no SW consultants, no landfill operators, no haulers and only 3 cities on the e-mail list. The Council should do more work to expand the list to a larger audience.

Reindl said that there is an article in the Milwaukee Journal Sentinel by Marty Forman on the issue of 'paper or plastic' bags that contains many inaccuracies, including that he was a member of the Council. Reindl said he had written Forman about a previous article on the same topic pointing out the inaccuracies. Forman responded about the inaccuracies "it doesn't matter." The Council asked that Reindl write a rebuttal.

**Minutes:** Approval of the Minutes of July 26, 2004. Cecilia Stencil moved, Charlotte Zieve seconded. Minutes approved without amendment.

### **Reports**

**DNR:** Cynthia Moore, DNR, said that the Natural Resources Board had approved taking the proposed recycling rules out for public comment. The hearings will be Monday, November 15, 2004 at 10:00 AM in six locations (Eau Claire, Green Bay, Madison, Milwaukee, Spooner and Stevens Point) across the state connected by videoconference. She said the main points of discussion are: 1) Who has to recycle. The rule change makes it clear that everyone in the state is required to recycle. 2) Streamlining the process for approval of single stream recycling. The new rules make it simpler for a community to change collection methods 3) Creating an exemption

from curb side pick up for RU's that are greater than 5,000 population but less than 70 people per square mile. 4) The rule change also adds a requirement to NR 502 that haulers must notify their clients that recycling is required.

Moore said that it's hard to predict what people may consider controversial. She said she has heard concerns about single stream recycling. She has also heard that some haulers do not think that the notification requirement is necessary but that communities have said this is absolutely needed. The intent is to level the playing field by making everyone aware of the law. This applies to both residential and commercial. Moore said she is working on simple language to supply to haulers. Stencil said that this change is needed for Northern Wisconsin. Reindl asked who was concerned about single stream. Moore replied that she has heard from residents, markets and the environmental community. She said that DNR would like to let the market sort that out and the language does that. Jeff Fielkow said that the process proposed is very good. Moore said the process, barring some major problem, should be complete early next year.

Moore said that the Recycling News newsletter will be out in November. The theme is 'Back to Basics'. Moore said that discussions with the Wisconsin Newspaper Association have led to creation of new web pages on the DNR site. The new pages include a 'Quick Facts' section that has basic information on the recycling program. Moore said that the program is engaged in discussions with the haulers to try to reach the business sector in a cost-effective way. Moore said that the Waste Bureau is doing a redesign of the overall waste program. A draft should be ready by December.

**Used Oil Filters and Absorbents-** Swift said that the task force he is on is almost done gathering the numbers. They should have the numbers by the next meeting.

**Committee on Electronics:** Jason Linnell, Electronic Industry Alliance (EIA), joined by phone. He said that they have been involved with the issue for many years. He said the EIA was still working with all members. Members have agreed to work out a compromise on the financing issue. They have had weekly calls and 2-3 face to face meetings. They see very different models passed into law in Maine and California. Both states have problems implementing their legislation. In California, TV manufacturers and IBM supported the legislation that was passed there. The legislation sets up an Advanced Recycling Fee (ARF) at the point of sale (POS) that goes towards collection, transportation and recycling of the limited number of products enumerated in the bill at end of life. They feel that this takes care of the historic products and orphan products. Everyone would share the burden for all the equipment. Dell and HP favored a process that would have companies be responsible for their own products. They feel that they do not want to be compelled into a government run system where someone else determines the recycling of their products and someone else runs the market. They also feel they have the ability to recycle more efficiently and learn from the recycling activity. They are hesitant to support a fee and think it will never go away. They also worry that the fund could be raided for other reasons and not be spent on recycling. ARF supporters say that it is difficult to get all the players. They may just have an office and not a plant here in the US. They want to make sure that there is a level playing field. The key concern for ARF supporters is that producer responsibility could not be enforced.

There are more positions but those are the main ones. All companies agree that a system needs to be worked out and recycling needs to occur. All the positions are represented in discussion. They are working on a federal approach because they do not want to have to deal with different laws in 50 states. They are close to a consensus position. They are proposing a fee at POS but with flexibility. Hopefully they will be done in a few months.

Reindl asked about Third-Party Organizations (TPO's). Thermostats and rechargeable batteries are examples. Similarly, Alberta, Canada has a program for oil filters. They have looked at those models but they have the least support of any models. Both of the products have different properties. You can take a battery to a store and they can have room to collect. You cannot do that with electronics. There is not a replacement or exchange with electronics that you have with thermostats. The battery program has a number of free riders, in spite of laws requiring all players to join. The Canadian system may keep people disconnected from the consumer education needed. It ends up to be a manufacturer responsibility situation. Retailers may insist that the

producers pay and the fee not be visible to the consumer. Linnell said that they have discussed a TPO for the POS funds so they could not be raided.

Fielkow asked which system Linnell would vote for. Linnell said that they are working on a federal approach that allows efficiency and competition. There is a need to build infrastructure. There will be time lag between the passage of the bill and the implementation. There are specific recommendations in their approach that would help build infrastructure. Bill Swift asked about plastics. Linnell said that a plastic is a difficult issue but they haven't directly addressed that problem. Neil Peters-Michaud asked what the role of legislation should be. Linnell replied that creating a level playing field was most important. That is best done at the federal level. That would include preemption of state fees and other rules. Peters-Michaud asked about design for environment issues. Linnell said that design issues were being dealt with within the industry. They have not been dealing with that directly. The European Union's RoHS Directive (Restriction of hazardous substances in electrical and electronic equipment) and WEEE (waste electrical and electronic equipment) initiatives will make a difference. As a practical matter, the products are made for a worldwide market. Peters-Michaud asked if any legal challenges have been filed. Linnell said he did not know of any but it is certainly possible once the legislation is implemented. Zieve asked if the legislation would be possible. Linnell said that if the industry has consensus they think it will be enacted by Congress. It will take time but there is growing interest at the federal level. Linnell hoped that they could finish by the end of the year.

Reindl said that the Council had previously developed a set of recommendations on electronics recycling. The recommendations are 1) Support the National Electronics Product Stewardship Initiative (NEPSI). 2) Include design for recycling. 3) Financing as part of product purchase price and a TPO with an opt out provision 4) Manufacturers pay for state oversight of the program. 5) Encourage Congress to set national standards. And 6) An intensive and extensive educational program for household and non-household sector.

Peters-Michaud said we should make it clear that education is the responsibility of the manufacturers. Zieve said that people like to recycle and will do so if given the information. Swift said we should concentrate on schools. Fields said that DNR and DPI have joined together to create a Green and Healthy Schools' program. This is a very comprehensive program. The first dozen schools have signed up. Fields said that the DNR has found that it is difficult to keep the recycling theme fresh. Teachers have "been there and done that" with recycling and the Green and Healthy Schools Initiative is a new way to present environmental issues, including recycling. Zieve asked if recommendation #4 meant a front-end fee. Reindl said it would be up to industry to decide how they wanted to do it. Zieve expressed support for a front-end fee. Zieve questioned what design for recycling meant. Should the Council be specific? Reindl said that the process was better than specifics. Peters-Michaud said that design for the environment (DFE) was slightly different and referred to reducing the environmental impact of a product from cradle to grave. That is the industry standard. We should support that concept. Reindl said that that the new recommendation should read that we support the concept of purchasing with design for the environment in mind. That would include certification of the seller by a national organization. Bill Tarman-Ramcheck, Wauwatosa, submitted a draft of Principles for Purchasing Environmentally Preferable Computers, Monitors and Peripherals. Peter-Michaud said that was an example of DFE. He suggested that the Council change #3 to no end-of-life fee to non-regulated entities. Zieve asked about the Council's response to the prison labor issue. Reindl said the Council has not taken a stand on this issue. Zieve said that as long as they have to meet the same standards, she didn't have any objections.

Zieve moved that the recommendation be forwarded with changing DfR to DfE. Peters-Michaud second. The motion passed. The recommendations should be sent to whomever we typically report to (governor, DOA, DNR, Commerce and chairs of legislative environmental committees. Reindl will contact Rep Miller to let him know that the Council is sending this out to a wider audience.

**City of Kenosha:** Ron Bursek, City of Kenosha, said that the City of Kenosha applied for the Pilot Program because of budget restraints. They were looking for ways to save money without reducing services. He said they do curbside pick up of 29,000 homes and provide 2 drop-off sites, Glass was 21% by weight and 8% by volume. They found that it cost them \$63/ton to recycle

glass compared to \$20/ton to landfill it. That convinced them to apply for the Pilot Program. They replaced the glass in the collection stream with wood, concrete brick and stone. The wood is collected at a drop-off site and is picked up by a vendor at no cost to the city. It is ground up for animal bedding. They collect concrete, brick and stone at their drop-off. It's then ground and used as road base or fill. A lot of the brick and stone is reused by residents. Borsek said that some residents were unhappy because they wanted to continue to recycle glass. Others were supportive because of the cost savings and the ability to use the wood, brick and stone. They have diverted an equal amount of weight from the landfill with wood, brick, concrete and stone as they did with glass. They saved \$43/ton. 900 tons of concrete was ground up for reuse. They are very happy with the program and feel that they have reduced costs.

They are now looking at changing to single stream. That will allow them to again take glass and still save money. They have found a supplier to take their glass at no cost. They are also using a new, biodegradable bag to collect yard waste. They do not collect yard waste in plastic bags. They have been working closely with the DNR on this project. Reindl asked about the old contract. Borsek said the old contract was \$64/ton for glass and paper with a rebate on the sale of paper. The new contract is \$0/ton. They will also be going to collection every other week. Borsek said that he's gotten excellent cooperation from the DNR on their program.

### **Other Priority Issues:**

**Construction & Demolition:** Peters-Michaud said he looked at the 1995 recommendations and thought the recommendations were very good but needed to be updated. He said the Cascadia study commissioned by the DNR put the landfill rate of C&D at 28.7%. He said there were 3 main issues that are active at this time.

Wood. About 12.7% of the material sent to landfills is wood. There are many beneficial uses for wood and good programs for getting wood out of landfills. There is more of a problem with OSB, glued material etc. There is a study from Georgia that determined that the glue from OSB did not seem to have any negative impact on the soil. DNR does not have a general exemption for wood. DNR is being careful to make sure that exemptions for chipping are actually for wood chips being used for some purpose, not just being chipped and buried onsite.

Drywall. Drywall can be ground up for reuse as a soil amendment. The DNR has been exempting this material for beneficial use on a case by case basis. There was a concern with Type X drywall because it has fiberglass in it. DNR studies indicate that the fiberglass does not pose problems for agricultural use. A continuing problem is getting haulers involved. It is difficult to get the drywall from the site to a farmer who wants to use it.

Asphalt shingles. This is 6% of the waste stream going into the landfill. There is an effort to get DOT to OK use of asphalt in road base. There is a lot of activity on these three and on some other C&D issues. Kim McCutcheon is the DNR business sector specialist in this area. Suggestions for the Council include working with DNR on general exemptions for materials and working on better education of contractors on these issues.

Peters- Michaud said he would try to survey some of the people in the industry to find out what they think we should be working on. Zieve said the cost-effectiveness issue was significant. Reindl said that local builders were chipping the material and using it for berms for erosion control. After construction is over they can use them around the site. Fielkow said we should be looking at the best practices. Look for pockets of excellence and look at their impact. Cost is a significant issue and bringing costs down will provide the economic basis for companies to make changes. Reindl said he would contact the DNR and suggest a Best Practices manual. Moore said the DNR was looking at exemptions for wood and drywall. The economics look good for those products. Peters Michaud will come back with speakers and more information.

**Paper:** Reindl postponed the discussion on paper since Chair John Piotrowski was unable to be here due to a family emergency.

**Mercury in Products:** Fielkow said he is still collecting data. Several communities have bans and programs to recycle mercury-containing programs. Superior has won a national award for their program. It is one of the most successful in the country. They received a grant for the DNR and city staff told him that grant funding was crucial. He said he would like to get a panel

together to discuss best practices. That would help the Council make recommendations. Zieve said that education was needed. Fielkow said that the Council should highlight programs that are cost effective and that work. Education is a key component of a successful program. Stencil said that they have a 10-county Clean Sweep consortium that accepts mercury. Reindl said that there are many products with mercury. For example, there are mercury switches in streetlights control boxes and in thermostats. He said that the state of California has passed a law that bans mercury thermostats beginning on January 1, 2006. In the US there are 4 million mercury thermostats sold each year. Reindl estimated that 200,000 thermostats were thrown out last year in Wisconsin. Wisconsin recovered about 5,100 and may recover about 10,000 this year. Fielkow said that good substitutes exist for most products. Reindl said that there was an environmental cost that should be taken into account. Stencil contacted 29 counties about mercury. Several responded and Wood and Dane send information. Peters-Michaud said we might be able to look at the fluorescent lamp program as a model.

**Public Comment:** Tony Driessen, APC, said that the reason that Type X drywall is used is for wet applications, such as boathouses. Driessen said that it seemed to him that the HVAC people do most of the installing of thermostats. He suggested approaching them on the liability issue. The same issue could resonate with the demolition industry. Reindl said that 25% of the thermostats are replaced by homeowners and 75% by HVAC industry. Reindl said he was working with several state and national organizations on the issue as part of a national effort headed by the Product Stewardship Institute.

Tarman-Ramcheck said that the Council's recommendations were not neutral on the prison issue. The legislation opposes prison labor. Many communities rely on the Badger State Industries program. It is free to the communities involved. He would like the Council to consider allowing BSI to continue during the transition and allow as an exemption to the TPO. He said he had talked to prison officials and social workers and found that the program was working as a training program.

Nancy Gloe, DNR, said that she has found a conflict between DNR policy and the needs of companies like WE Energies for landfill gas. The DNR encourages keeping yard waste out of the landfill. Landfill gas is the largest source of reusable gas and material such as yard waste is essential for the quick formation of that gas. This is an evolving issue. Reindl said he is on the DNR Landfill Stability Committee that is looking at this issue. The committee has an organics reduction plan. Within a 30-year period the organics in a landfill would be in a form that's benign to the environment. That would eliminate the need for liners, leachate collection systems, etc. There are 25-30 options being considered. One idea would be to keep organics out of the landfill (dry tomb). The other would be to introduce as much organic material as possible to get a quick decomposition (bioreactor). This is a major issue that will be around for some time. One factor to consider for food and yard waste is that, if put into a landfill, some or much of the material may decompose above the zone of influence of gas extraction systems, with the methane going to the atmosphere and not being recovered.

Moore said she could get Randy Case, DNR, back to discuss the outreach efforts the DNR is making on mercury.

**Other Business:** The next Council meeting is scheduled for Thursday, November 18, in the Boardroom of the Alliant Energy Center, 1919 Alliant Energy Center Way, Madison. The agenda may include committee reports, the postponed Paper discussion, DNR rules package, landfill stability, and a briefing on DNR education efforts.

**Adjournment:** Zieve moved and Peter-Michaud seconded. The Council adjourned at 12:05. Following adjournment, the Council members toured the single stream Material Recovery Facility in Grayslake, Ill.

Respectfully submitted by Daniel B. Fields, Department of Natural Resources.